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OFFICE OF GENERAL  
COUNSEL

May 8, 2014

Randy Pace

Medford, NJ, 08055

Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20462

MUR # 6830

**Complaint Against Burlington County (New Jersey) Republican Committee,  
Charlie Lambaise, Treasurer**

- and -

**Complaint Against Tom MacArthur for Congress, Inc.,  
Ronald Gravino, Treasurer**

Dear Madam/Sir:

I write to file this complaint against the Burlington County Republican Committee, a local political party committee registered with the Election Law Enforcement Commission in the State of New Jersey, Charlie Lambaise, Treasurer (together, the "Burlington GOP"), and also against Tom MacArthur for Congress, Inc., Ronald Gravino, Treasurer (together, the "MacArthur Committee"), and to request an investigation of the unlawful and unreported in-kind support and assistance that the Burlington GOP has provided to the MacArthur Committee.

**Facts**

The Burlington GOP is a local political party committee in New Jersey. It does not have a federal account, and is not registered with the Federal Election Commission. Tom MacArthur ("Mr. MacArthur") is a candidate for the Republican nomination for U.S. Representative from the Third Congressional District of New Jersey in a primary election to be held June 3, 2014 (the "Primary Election"). The MacArthur Committee is Mr. MacArthur's principal authorized campaign committee.

The Burlington GOP has endorsed Mr. MacArthur in the Primary Election, but its support for his campaign has not stopped there. The Burlington GOP has allowed the MacArthur Committee to use its party office as its campaign headquarters—which has included, in addition to office space, the use of its telephones for phone banking on behalf of Mr. MacArthur's candidacy.

The Burlington GOP does not have a federal account from which it could make the expenditures for office space, telephone service and other support it has provided to the MacArthur Committee. Likewise, the MacArthur Committee's campaign finance reports do not reflect the receipt of this in-kind support from the Burlington GOP, nor do they reflect a payment to the Burlington GOP for the value of the services it has provided.

### **Law**

A political party committee like the Burlington GOP may support candidates in a number of ways—only one of which is applicable here.

First, a party may make coordinated expenditures on behalf of House and Senate candidates pursuant to 11 C.F.R. § 109.32. Such expenditures are permissible, however, only in support of a party's general election nominees. The Burlington GOP's support of Mr. MacArthur's congressional candidacy thus does not qualify as a party coordinated expenditure.

Second, a party may prepare and distribute campaign materials, slate cards and sample ballots, but this allowance, too, is only available in general elections. 11 C.F.R. §§ 100.80, 100.87, 100.40 & 100.147. Moreover, use of office space and telephone banking facilities are beyond the scope of the allowance. Therefore, the Burlington GOP's support of Mr. MacArthur's candidacy does not qualify as exempt party activity.

Third, a party may make unlimited independent expenditures. 11 C.F.R. §§ 100.16, 109.21 & 109.37. However, the expenditures must be independent—which they obviously are not here, because the MacArthur Committee is officing inside the Burlington GOP headquarters—and they must be reported, which they have not been, and they must be made from a federal account, which the Burlington GOP does not have. Therefore, the Burlington GOP's support of Mr. MacArthur's campaign does not constitute independent expenditures.

Lastly, a party may make in-kind contributions to candidates. That would seem to be the case here, as the Burlington GOP has permitted the MacArthur Committee to use, and the MacArthur Committee has in fact used, the Burlington GOP's offices and equipment in furtherance of his primary campaign for Congress. However, such in-kind contributions would have to be reported as having been made by the Burlington GOP and received by the MacArthur Committee, which they have not been. They also would require the Burlington GOP to register with and report to the FEC as a federal political committee, if the value of those expenditures exceeded \$1,000.00, which the Burlington GOP has not done. And the expenditures would be subject to the Burlington GOP's \$5,000.00 per candidate per election limit on contributions.

### **Request for Investigation**

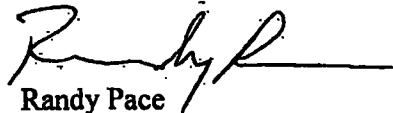
Based on the foregoing, I request the Commission to investigate the following issues, and to fine the Burlington GOP and the MacArthur Committee for their violations of federal campaign finance law:

1. How much space in the Burlington GOP's office has the MacArthur Committee been using? For how long? And what is the fair market value of the space, together with a pro rata or other share of utilities, over that period of time?
2. How many of the Burlington County GOP's phones and lines has the MacArthur Committee used? For how long? And what is the MacArthur Committee's pro rata or other share of the costs of the phones and lines over that period of time?
3. What other equipment, materials, and supplies, paid for by the Burlington County GOP, has the MacArthur Committee made use of, such as computers, wireless internet service, copying machines and copy paper, and food, beverages and other refreshments? At what cost or value, as appropriate?
4. Was the Burlington County GOP required to have a federal account from which to pay for the benefits it has provided, apparently free-of-charge, to the MacArthur Committee?
5. Was the Burlington County GOP at any point required to register with the FEC as a federal political committee? If so, when, and how many reports has it failed to file?
6. Were the Burlington GOP and the MacArthur Committee required to report the contribution and receipt of office space, and equipment, materials and supplies, as in-kind contributions by the Burlington GOP to the MacArthur Committee? If so, when, and at what value?

### Conclusion

Thank you in advance for your investigation of this matter. As required by the FEC's procedures, I enclose three copies of this complaint, and affirm that the statements herein are true, complete and accurate to the best of my knowledge, information and belief.

Sincerely,

  
Randy Pace

CITY/COUNTY OF Burlington

Subscribed and sworn before me, a Notary Public of and for the above-stated jurisdiction,  
on May 8, 2014, by Randy Pace.

My commission expires: 6/10/14

**KATHERINE ELIZABETH BURGER**  
**NOTARY PUBLIC OF NEW JERSEY**  
**Commission Expires 6/10/2014**

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